PS

File No. 1002

1935.

Collection No.

LA/Weekly Mysore Residency

Bangalore.

(K)

4-7-47

Pros. Serial Nos. 1 2

Subject.

Prohibitory order against the encashment of Mysore 5½ % 1930 Loan Bond no. 0439 - for Rs 10,000.

Previous References.

Indexed

Later References.

S. 97.—(Blue).

MFP—1867 S&P—(M-1907)—8-3-35—60,000.

NOTES AND PRECIS.

P.U.C. is an order issued presumably under Sec. 136 of the Code of Civil Procedure and Order XXXVIII Rules 5 & 6 (1) and 7 read with Order XXI Rule 52 of the First Schedule thereto, for attachment of property before judgment. In the case of movable property in the custody of a court or public officer, it takes the form of a prohibition as in the P.U.C. to the Court or officer having it in custody. P.U.C. does not contain information regarding the Court or public officer and the suit or other proceeding in connection with which the Mysore State Loan Bond in question has been deposited. The bond is not in the custody of the Resident.

2 There is reciprocity between the courts in British India, the courts in the C. & M. Station of Bangalore and the courts in the Mysore State in respect of execution of decrees. But there is none between the courts in British India and the courts in the Mysore State for the execution of an order of attachment of property before judgment; nor does the Mysore Code of Civil Procedure, 1911, contain any provision for the execution of such an order issued by a court in British India. If the bond in question is in the custody of any court or public officer in the State, that court or officer cannot therefore comply with the order in the P.U.C.

3 As regards the C. & M. Station the position is different. The question came up for consideration in 1932 at the instance of the Madras High Court and it was then examined at some length. The Additional Judge then held that the matter could only finally be decided judicially, but ordered that the attachment then in question should be made but that if objection was taken to the attachment the matter should be decided after

hearing arguments. It does not appear that the matter came up for judicial decision.

4

A draft to the Subordinate Judge, Shikarpur (in Sind) is submitted.

12.9.35

21.9.35.

J.V.2

CORRESPONDENCE.

S. N. 1.

No.1334 of 1935.

FIRST CLASS SUB JUDGE'S OFFICE,

Chikarpur, 5th July 1935.

From

The First Class Sub Judge,

C h i k a r p u r.

To

The Political Agent Mysore.

Mysore State Loan Bond in favour of Seth Tejbhandas Dayaram Ahuja in suit No.34 of 1935 re. Kanyalal vs. Seth Tejbhandas and another.

Sir,

I have the honour to state that in the above suit the parties have given statement that defendent No.1 Seth Tejbhandas Dayaram Ahuja would not cash the Mysore State Loan Bond 5½ per cent 1930 for Rs.10,000 being certificate No.0139 being Government Stock of 5½ per cent Bond 1933.

I have therefore the honour to request you not to cash ther till further orders of this court.

I have the honour to be,
Sir,
Your most obedient servant,

Sd. * * *

Incharge Office,
First Class Sub-Judge, Chikarpur.

S/C

KRS.

S. N. 2

2

Issued Rian 2519 27/9/35

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter ~~Memorandum~~ Telegram

Class for telegrams	Ordinary	*Only for Foreign Telegrams.
	Express	
	Urgent*	
	Priority	
	Clear Line†	†Not for Foreign Telegrams.

No. F 1002/35 Dated 27th September 1935

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	
Heading:	
Case or Diary No.	
If post copy of telegram required	
Date of despatch of above	
List of enclosures	
(Code word for telegrams.)	

To

The First Class Subordinate Judge, Shikarpur.

Subject:- Mysore State Loan Bond in favour of Sethbhandas Dayaram Ahuja in suit No.34 of 1935 re: Kanyalal vs. Seth Tejbhandas and another.

Sir,

In returning unexecuted your ~~xxxxx~~ letter No. 1334~~of 1935~~, dated the 5th July 1935, I am directed to say ~~as follows~~ that The ~~2 The~~ Mysore State Loan Bond in question, the encashment of which your letter purports to prohibit (presumably under Sec. 136 of the Code of Civil Procedure and Order XXXVIII Rules 5 or 6(1) & ~~7 and~~ read with Order XXI Rule 52 of the First Schedule thereto) is not in the custody of the Hon. the Resident.

If the order is intended to be executed by any court in the Mysore State established by the Govt. of Mysore, I am to explain that there is at present no provision of law under which an order of attachment of property before judgment, issued by a court in British India, can be executed in the Mysore State. If the order is to be executed

S. 5.
[M(1)PC—S1—188(Genl)MFP—(M-1933)—3-5-34—50,000 Pads.

by any court established by the Governor General in Council in the C. & M. Station of Bangalore, I am to request you kindly to address the District and Sessions Judge, C. & M. Station, Bangalore, giving particulars of the suit or other proceeding in connection with which the defendant has deposited the bond.

I have etc.,
CGre 21/9.
Secretary to
the Resident.

lee
12.9.35